

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Seventeenth Judicial District Court, County of Phillips

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|---------------------|---|---------------------|
| STATE OF MONTANA, |) | |
| |) | |
| Plaintiff, |) | CAUSE NO. DC-18-001 |
| |) | |
| -vs- |) | |
| |) | DECISION |
| DAVID ALDON PIERCE, |) | |
| |) | |
| Defendant. |) | |

On November 27, 2018, the Defendant was sentenced to the Montana State Prison for a term of twenty (20) years, with ten (10) years suspended, for the offense of Sexual Assault, a Felony, in violation of §45-5-502(1), MCA. The Defendant was designated a Level 1 Sex Offender and ordered to enroll in and successfully complete the educational phase of the prison's sexual offender treatment program. The Defendant was granted credit for 320 days of time served in the county jail. The Defendant was ordered to pay restitution in the amount of \$4,922.44.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the Defendant's sentence is clearly inadequate and should be **MODIFIED**. The Division finds that a parole restriction of five years is warranted in order to protect the community. The Defendant's sentence is hereby amended to include a parole restriction of five (5) years.

Done in open Court this 2nd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



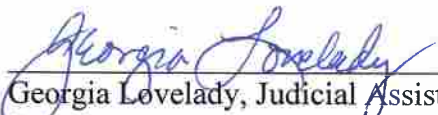
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
David Aldon Pierce #3025214, Defendant (2)
Hon. Yvonne Laird
Brent Getty, Defense Counsel
Dan O'Brien, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division